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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,923	11/05/2001	Bernhard Sonnleithner	AT000064	6962

7590

03/31/2003

Corporate Patent Counsel  
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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 03/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/992,923

Applicant(s)

SONNLEITHNER, BERNHARD

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-4,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement submitted on February 20, 2002, and February 28, 2002, have been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1, 5-7, and 10-11*** are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of An (United States Patent 5,949,860).

Regarding **claim 1**, applicant's admitted prior art discloses an off-hook detection device within a facsimile for detecting whether a parallel telephone is off-hook and produces off-hook detection information based the line voltage decreasing below a threshold. Further applicant's admitted prior art discloses that the known facsimile machine accepts a call for setting up a facsimile protocol with another facsimile machine only when the is a condition of call acceptance (i.e. a previous determined number of rings have occurred) and the parallel connected telephone is on-hook, as disclosed in the specification on page 1, line 27 through page 2, line 11, however, applicant's

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admitted prior art fails to disclose wherein a facsimile machine accepts a call for setting up a facsimile protocol with another facsimile machine when the parallel phone is in the off-hook condition. However, the examiner maintains that it was well known in the art to provide wherein a facsimile machine accepts a call for setting up a facsimile protocol with another facsimile machine when the parallel phone is in the off-hook condition, as taught by An.

In a similar field of endeavor An discloses a method and apparatus for receiving facsimile message in facsimile connected to external telephone. In addition, An discloses wherein if a parallel phone is taken off-hook the line detection circuit (126) provides off-hook indication and the calling tone detector (128) checks the line for facsimile calling tone (CNG), thus may accept a facsimile call with the parallel phone off-hook, as disclosed at column 4, line 5 through column 6, line 37 and exhibited in figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicant's admitted prior art by specifically providing wherein a facsimile machine accepts a call for setting up a facsimile protocol with another facsimile machine when the parallel phone is in the off-hook condition, as taught by An, for the purpose of automatically connecting a facsimile call if a parallel connected phone is taken off-hook when the incoming call was intended for the facsimile machine.

Regarding **claim 5**, applicant's admitted prior art and An disclose everything claimed as applied above (see claim 1), in addition applicant's admitted prior art

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discloses checking the presence of the call accept condition which is present when N ringing signal pulses are detected in the ringing signal of the incoming call, as disclosed in the specification on page 1, line 27 through page 2, line 11.

Regarding **claim 6**, applicant's admitted prior art and An disclose everything claimed as applied above (see claim 1), in addition applicant's admitted prior art discloses a voltage comparator for comparing the voltage value of the DC component of the telephone signal with the voltage value of the first off-hook threshold, as disclosed in the specification on page 1, line 27 through page 2, line 11.

Regarding **claims 7 and 10-11**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 5-6 since claims 7 and 10-11 disclose a method that corresponds to the apparatus of claims 1 and 5-6, thus the method is inherent in that it simply provides functionality for the structural implementation found in apparatus claims 1 and 5-6.

***Allowable Subject Matter***

3. **Claims 2-5 and 8-9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH  
March 22, 2003



FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
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